

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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RENAISSANCE NUTRITION, INC.,

Plaintiff,

v.

ORDER  
12-CV-691A

DONALD BURKARD,

Defendant.

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The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On April 11, 2013, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant's motion to dismiss be granted and that plaintiff's cross-motion to disqualify defense counsel be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion to dismiss is granted and plaintiff's cross-motion to disqualify defense counsel is denied.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: April 30, 2013